



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL  
CLEANUP

April 3, 2015

Mr. E. Gilbert Leon Jr.  
Earle M. Jorgensen Company  
10650 South Alameda  
Lynwood, California 90262

Ms. Amy Essig Desai  
Farallon Consulting, LLC  
975 5<sup>th</sup> Ave Northwest  
Issaquah, Washington 98027

Re: EPA Required Revisions to the Jorgensen Forge Early Action Removal Action- Revised Pre-final Certification Inspection Letter Report, U.S. EPA Docket No. CERCLA-10-2013-0032, dated February 9, 2015

Dear Mr. Leon and Ms. Essig Desai:

The EPA has reviewed the Revised Pre-final Certification Inspection Letter Report (Inspection Report) for the Jorgensen Forge Early Action Area, submitted to the EPA on February 9, 2015. EPA is requiring revisions, described as follows, to the Inspection Report.

The Inspection Report must be revised to include a description of each of the EPA's comments and identify how the comment was addressed in the revision. This is a requirement under Section II.2 of the Statement of Work, Appendix A of the Settlement Agreement. The Inspection Report must address comments provided by EPA in both its December 12, 2014 comment letter, as well as this comment letter.

The Inspection Report must be revised to reflect that the Pre-Final Certification Inspection Meeting was to document "whether the project elements for the Work are complete and consistent with the contract documents and the RAWP, to review compliance with the CQAP, to review field changes and change orders, and to verify that the performance standards have been achieved." The EPA is requiring this revision to document that the scope of the meeting was limited to that which was required under the Statement of Work and outlined in the meeting agenda. The current version of the Inspection Report mischaracterizes the purpose of the Pre-final Certification Inspection Meeting as "to document that the removal action was completed in accordance with the EPA-approved documents and the Action Memorandum for a Non-Time Critical Removal Action at the Jorgensen Forge Early Action Area of the Lower Duwamish Waterway Superfund Site, Seattle, Washington (Action Memorandum)."

The EPA requires that section "Shoreline Bank Z-layer Sampling" be revised to include identifying those samples that exceeded the Removal Action Levels (RvALs) established in the Action Memorandum for all of the contaminants of concern associated with the NTCRA.

The EPA requires that the section “Open Water Dredging” be revised to remove the following language regarding the material left in place along the southern sheetpile containment wall associated with the cofferdam dam removal:

*Regardless, as discussed in Section 4.3.2 of the BODR, the shoreline bank excavation was designed to “...reconfigure the slope to a flatter, more stable 2H:1V slope shoreward of the existing ground surface approximately from the toe of slope upwards to a location that is no closer than 5 feet to any foundation.” The minimal amount of material that could not be removed did not impact achievement of this design objective.*

The Removal Action Objective of the Action Memorandum is to remove all material above the RvALs from the Early Action Area. Therefore, EPA and EMJ must have further discussions regarding the material along the southern sheetpile containment wall that was inaccessible during the removal activities. EPA requires the need for these follow up discussions be added to the “Outstanding Construction Items” section of the Inspection Report.

Revise the Inspection Report to restate the two monitoring objectives for performing the post in-water backfill surface sampling at the close of construction from the BODR: 1) verify the final as built quality of the sediment surface at the close of construction, and 2) to establish baseline conditions to compare with subsequent sediment sampling events conducted under the OMMP. The current version of Inspection Report states that the purpose of the post-construction in-water backfill surface sampling is to “provide baseline chemical concentrations of the backfill surface to support evaluation of increases in these concentrations over time due to deposition of sediments originating outside of the RAB.” This language omits the first objective: verifying the as-built quality of the sediment surface at the close of construction. The Inspection Report also mischaracterizes the long-term monitoring objective as limited to evaluating recontamination from “deposition of sediments originating outside of the RAB”. This is inconsistent with the requirements of the Action Memorandum, which requires long-term monitoring of stormwater and groundwater from the Jorgensen Forge Facility for recontamination of the in-water sediments.

The EPA requires that the Inspection Report be revised to delete all language describing the basis for not performing the post-construction in-water backfill surface sampling. This includes reference to the January 16, 2015 meeting between EPA and EMJ. The Inspection Report is not the appropriate vehicle for obtaining EPA permission for deviating from an approved work plan. The EPA did receive a written request from EMJ on February 23, 2015, for an extension to perform this sampling, a procedure which is consistent with the Settlement Agreement.

The EPA requires that all statements defining the source of the PCB contamination within the in-water backfill surface be removed from the Inspection Report. This includes the following statements pertaining to the data collected by The Boeing Company on November 24, 2014: “[t]his sampling documented the concentrations of the newly deposited (approximately 2.5 months following construction completion) surface sediment overlying the clean backfill” and “[a]s discussed above, the elevated total PCB concentrations are attributed to the deposited material, given that the underlying coarse backfill material contained insufficient fines to allow chemical analysis”. As detailed in EPA’s March 23, 2015 letter to EMJ, the EPA is requiring EMJ to develop a Sampling and Analysis Plan that evaluates the nature and extent of the surface and subsurface (z-layer) sediment contamination, and evaluates potential sources. The EPA is requiring this because there is insufficient information to define the source of the elevated PCB concentrations within the surface sediments at this time.

Revise the body of the Inspection Report to include a summary of instances of environmental releases that occurred during the removal action and responses to those releases. For example, include a description of the unanticipated bank material which caused a sheen during the bank removal work on July 28, 2014 and the response to address it. The summary of instances of environmental releases should also include any instances that triggered additional water quality monitoring requirements during the dredging activities.

Revise the Inspection Report to include summaries of where sequencing of work did not follow the Removal Action Work Plan or BODR. For example, include a description of timing of when transloading actually occurred versus the approved and required schedule.

Revise the Inspection Report by removing the following statement in the “Outstanding Construction Items” section: “EPA has not expressed any concerns that the dredging, backfill and shoreline containment design elevations identified in Attachment B were achieved.” This statement does not identify an “Outstanding Construction Item.” EPA will not complete its thorough review of all documents pertaining to the completion of the NTCRA until the current issues concerning the z-layer and surface sediment contamination are resolved.

EPA reminds EMJ that, in its letter dated December 12, 2014, EPA also required EMJ to correct a misquoted section of the EE/CA wherever it occurred, including the CQAP. In its letter, EPA required that the misquoted EE/CA section be corrected to reflect the following language as it was stated in the EE/CA:

*Therefore, the results of any post-dredge sampling and analysis would not trigger any further remedial action unless the area-weighted concentrations in the RAB are significantly greater than the total PCB RvAL (for example, area weighted averages greater than 20 times the RvAL or 240 milligrams per kilogram normalized for organic carbon [mg/kg OC]).*

To date, EPA has received no response from EMJ regarding this requirement under the December 12, 2014 letter, including a revised CQAP with the corrected language.

Consistent with the requirements of the Settlement Agreement, the revisions are due to the EPA within 30 days following receipt of this letter. Please contact me with any questions regarding these required revisions.

Sincerely,

Rebecca Chu  
Remedial Project Manager

cc: Miles Dryer, Jorgensen Forge Corporation  
Ryan Barth, Anchor QEA  
Romy Freier-Coppinger, Washington State Department of Ecology  
Glen St. Amant, Muckleshoot Tribe  
Alison O' Sullivan, Suquamish Tribe  
James Rasmussen, DRCC/TAG  
Jessica Winter, NOAA  
Brian Anderson, The Boeing Company